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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/931,798      | 08/17/2001  | Tatsuya Wakahara     | SONYJP 3.0-202      | 3632             |

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EXAMINER

WILDER, PETER C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2614

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/931,798             |  | WAKAHARA, TATSUYA   |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Peter C. Wilder        |  | 2614                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, 10, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (U.S. 5585838) in view of Alexander et al. (U.S. 6177931 B1).

Referring to claim 1, Lawler teaches an information processing device for displaying an electronic programming guide, comprising: a display including representations of a past programs each of whose broadcast time is prior to present time (Figure 8 teaches a display and if the current time is 9:30 PM then the past programs displayed are at 9 PM), a number of present programs each of whose broadcast time contains said present time (Figure 8 teaches the programs "Love & War", "Northern Exposure", "Double Impact" and "College Basketball" as programs being displayed at the current time), and a number of future programs each of whose broadcast time is subsequent to said present time (Figure 8 teaches the future programs being "Chicago Hope" starting at 10PM and two news programs starting at

11:30 PM), said representation of each said past program currently in the display being in a first color (Column 9 lines 42-46 teaches the currently unavailable broadcasted programs being displayed as shaded), said representation of each said present program currently in the display being in a second color different from said first color (Column 9 lines 42-46 teaches the currently broadcasted programs being displayed as white tiles), and said representation of each said future program currently in the display being in a third color different from said first and second colors (Column 9 lines 42-46 teaches the future programs being displayed as shaded), but fails to teach the color the first (past programs) and third (future programs) colors are different.

Alexander teaches the color of the first (past programs), second (present/current programs) and third (future programs) colors are different (Column 19 lines 15-22 teaches displaying a program listing which is the same as a guide with different colors representing the stages of a sports game. It teaches the sports game being in-progress is the color green and the completed game being the color blue. It is silent on the color of the game that has yet to start. A game that has not started yet is also considered a stage and would be colored a differently from the currently airing game and the game that has completed, Column 19 lines 15-18 teaches formatting the display with color-codes).

At the time the invention was made it would have been obvious for one skilled in the art to modify the program color coded program guide function/device of Lawler using the color-coding of sports games depending on stage of the game function/device of Alexander for the purpose of improve the features of the EPG display and navigation

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which helps out the user see what programs are available to watch (Column 2 line 7 Alexander)

Referring to claim 5, corresponding to claim 1, Alexander teaches displaying the current time in the program guide (Figure 1 upper left hand corner shows the time of 10:03 PM).

Referring to claim 6, see rejection of claim 1.

Referring to claim 10, corresponding to claim 6, see the rejection of claim 5.

Referring to claim 11, see rejection of claim 1. The examiner notes that Lawler teaches in Column 7 lines 44-51 the interactive controller element 18 in Figure 2 has a CPU element 58 and Memory element 60. In order for a CPU to function a computer program has to exist. Alexander teaches in Column 5 lines 20-53 the contents of a set-top box unit which includes a processor and memory.

Referring to claim 15, corresponding to claim 11, see the rejection of claim 5.

Claim 2, 3, 7, 8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (U.S. 5585838) in view of Alexander et al. (U.S 6177931 B1) further in view of Borden IV et al. (U.S.6857128 B1).

Referring to claim 2, corresponding to claim 1, Alexander teaches a display further includes a representation of a program selected by a user (Column 3 lines 27-36 teaches a highlighting cell which represents a cursor), but fails to teach said representation of said selected program being displayed in a fourth color different from said first, second, and third colors.

Borden IV teaches said representation of said selected program being displayed in a fourth color different from said first, second, and third colors (Column 3 lines 45 – 47 teaches the highlight having a different background color than the original background color).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program color coded program guide function/device of Lawler using the color-coding of sports games depending on stage of the game function/device of Alexander using the different background color highlighted region function/device of Borden IV for the purpose of allowing the user to clearly see what program is highlighted for selection (Column 3 lines 45 – 46).

Referring to claim 3, corresponds to claim 2, Alexander teaches the information processing device as claimed in claim 2, further comprising a cursor, said cursor being located on said representation of said program selected by the user (Column 3 lines 37-55 teaches a highlighting cell which represents a cursor in the EPG grid which can include a program, Figure 1 element 52 is highlighted).

Referring to claim 7, corresponding to claim 6, see the rejection of claim 2.

Referring to claim 8, corresponding to claim 7, see the rejection of claim 3.

Referring to claim 12, corresponding to claim 11, see the rejection of claim 2.

The examiner notes in Figure 11 and Column 5 lines 43-67 a set-top box having a CPU and memory to implement the functions and a computer program would have to exist in order for the device to operate.

Referring to claim 13, corresponding to claim 12, see the rejection of claim 3.

Claim 4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (U.S. 5585838) in view of Alexander et al. (U.S. 6177931 B1) further in view of Lemons (U.S. 6481011 B1).

Referring to claim 4, corresponds to claim 1, Lawler and Alexander teach all the limitations of claim 1, but fail to teach the information processing device as claimed in claim 1, wherein said first, second and third colors are set according to the user's favorite colors.

Lemmons teaches the information processing device as claimed in claim wherein said first, second and third colors are set according to the user's favorite colors (Column

6 lines 10-13, Figure 10 shows the user is able to set the colors they want to related to each category).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program color coded program guide function/device of Lawler using the color-coding of sports games depending on stage of the game function/device of Alexander using the users favorite colors function/device of Lemmons for the purpose of allowing the user to set up a profile based on various preference attributes indicative of a user's interests (Column 1 lines 60-63, Lemmons)

Referring to claim 9, corresponding to claim 6, see the rejection of claim 4.

Referring to claim 14, corresponding to claim 11, see the rejection of claim 4. The examiner notes that in Column 4 lines 66-67 a PC being used to implement the given functions and a PC uses computer programs to operate.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<http://www.digitalnetworksna.com/support/replaytv/downloads/guidetoreplaytv30.pdf>. The operator's manual page 44 teaches an EPG with different colors representing current and future programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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